

250 Turnpike Road,  
Southborough

**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 4B - Order of Resource Area**  
**Delineation**  
Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

Provided by MassDEP:  
MassDEP File #:290-1091  
eDEP Transaction #:1430647  
City/Town:SOUTHBOROUGH

Deed Book 67212,  
Page 69

**A. General Information**

1. Conservation Commission SOUTHBOROUGH

2. This Issuance is for (Check one):

- a. ☒ Order of Resource Area Delineation  
b. ☐ Amended Order of Resource Area Delineation



2023 00059972  
BK: 69428 Pg: 113  
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3. Applicant Details

a. First Name DAVID b. Last Name FERRIS  
c. Organization FERRIS DEVELOPMENT GROUP  
d. Mailing Address 325 DONALD LYNCH BOULEVARD  
e. City/Town MARLBOROUGH f. State MA g. ZIP 01752

4. Property Owner (if different from applicant):

a. First Name DAVID b. Last Name FERRIS  
c. Organization FERRIS DEVELOPMENT GROUP  
d. Mailing Address 325 DONALD LYNCH BOULEVARD  
e. City/Town MARLBOROUGH f. State MA g. ZIP 01752

5. Project Location

a. Street Address 250 TURNPIKE ROAD  
b. City/Town SOUTHBOROUGH c. Zip 01772  
d. Assessors Map/Plat# 27 e. Parcel/Lot# 2A  
f. Latitude 42.29016N g. Longitude 71.53760W

6. Dates

a. Date ANRAD Filed 4/4/2022 b. Date Public Hearing Closed 9/15/2022 c. Date Of Issuance 9/26/2022

7. Final Approved Plans and Other Documents

Plan Title	Plan Prepared By	Plan Signed By	Plan Final Date	Plan Scale
EXISTING CONDITIONS PLAN OF LANE AT 250 TURNPIKE ROAD	AZIMUTH LAND DESIGN, LLC	JAMES TETREAU, CIVIL NO. 38548	8/3/2022	1"=40'
EXISTING CONDITIONS PLAN OF LANE AT 250 TURNPIKE ROAD — ONLY FOR FLAGS B3R & B18R			7/7/2022	

**B. Order of Delineation**

1. The Conservation Commission has determined the following (check whichever is applicable)

a. ☒ **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands  
2. ☒ Other resource area(s), specifically  
a. BORDERING VEGETATED WETLAND AS SPECIFIED ON ATTACHED SHEET

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- b. ☐ **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):
1. ☐ Bordering Vegetated Wetlands
  2. ☐ Other resource area(s), specifically
    - a.
- c. ☒ **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):
1. ☐ Bordering Vegetated Wetlands
  2. ☒ Other resource area(s), specifically
    - a. TWO AREAS LABELLED DETENTION BASIN AS SPECIFIED ON ATTACHED SHEET
  3. The boundaries were determined to be inaccurate because:  
DETENTION BASINS QUALIFY AS BVW PER 310 CMR 10.02(2)(C) AS BASINS WERE CONSTRUCTED PRIOR TO NOVEMBER 18, 1996

### **C. Findings**

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, S 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation. This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

### **D. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination. The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, S 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

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**E. Signatures**

1. Date of Original Order

2. No. of Signatures required 4

Mark Possemato

Benjamin Smith

Russell Gregory, Jr.

Kevin Farrington

**This Order is valid for three years from the date of issuance.**

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, and the Amended Order will expire on the date of the Original Final Order unless extended in writing by the Department.

This Order is issued to the applicant and the property owner (if different) as follows:

3. ☐ By hand delivery on

4. ☐ By certified mail, return receipt requested on

a. Date \_\_\_\_\_

a. Date \_\_\_\_\_



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City/Town

9/26/2022

Date of Issuance

4

1. Number of Signers

**E. Signatures**

Please indicate the number of members who will sign this form.

**Signatures**

*Mark Possemato*

Signature of Conservation Commission Member

*Benjamin Smith*

Signature of Conservation Commission Member

*Russell Gregory, Jr.*

Signature of Conservation Commission Member

*Kevin Farrington*

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

**Mark Possemato**

Printed Name

**Benjamin Smith**

Printed Name

**Russell Gregory, Jr.**

Printed Name

**Kevin Farrington**

Printed Name

**Elizabeth Zulick**

Printed Name

Printed Name

Printed Name

Printed Name

**This Order is valid for three years from the date of issuance.**

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on \_\_\_\_\_ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. ☐ By hand delivery on

3. ☐ By certified mail, return receipt requested on

Via email: 9/26/2022

a. Date

a. Date

**Pursuant to the vote taken by the Southborough Conservation Commission on January 7, 2021, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Commission's electronic signature authorization vote recorded on January 25, 2021 with the Worcester Registry of Deeds Book 64305, Page 83.**

# TOWN OF SOUTHBOROUGH



## CONSERVATION COMMISSION

CORDAVILLE HALL · 9 CORDAVILLE ROAD, LOWER LEVEL · SOUTHBOROUGH, MASSACHUSETTS 01772-1662  
(508) 281-8984 · FAX (508) 480-0161 · [mdanza@southboroughma.com](mailto:mdanza@southboroughma.com)

### Findings of Fact

250 Turnpike Road  
290-1091

#### Accurate

The Commission finds the following wetland resource areas accurate and defined as Bordering Vegetated Wetland as shown on the approved plan:

1. WFL 1-60
2. GCC 1-20
3. B 1-41 (except B3 & B18R as outlined below – previous plan dated 7/7/22 demonstrate correct location)

#### Inaccurate

The Commission finds the following areas as depicted on the plans inaccurate:

1. Flag B3 – correct location is B3R on 7/7/22 plan
2. Flag B18 – correct location is B18R on 7/7/22 plan
3. Detention Basin: 1-15
  - a. Located on the eastern portion of the site
  - b. North of B series BVW
4. Detention Basin: A 1-11
  - a. Located on the western portion of the site
  - b. Directly north of BVW flags GCC 1-2; 19-20

The Commission has found that the two (2) areas labelled 'Detention Basin' do not meet the exemption criteria for Areas Subject to Protection in 310 CMR 10.02(2)(c) for the following reasons:

1. The filing of the Notice of Intent for the original construction of the basins was filed on May 24, 1985 under DEP #290-112.
2. An as-built plan dated 1990 within the Conservation Commission files, prepared by Robert C. Cournoyer & Associates demonstrates the presence of the detention basins on site
3. The system was not designed, constructed, installed, and/or improved upon on or after November 18, 1996
4. The area(s) meet the qualifications of Bordering Vegetated Wetlands due to the connection through culverts to adjacent wetland resource areas.

Therefore, Commission finds that the areas labelled 'Detention Basin' qualify as Bordering Vegetated Wetland.

Upon mutual agreement, the applicant shall be required to file a Notice of Intent for the repair/maintenance/or associated work to any components of the stormwater system or areas labelled 'Detention Basin' and receive a subsequent valid Order of Conditions from the Conservation Commission prior to the commencement of work.



